

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20054**

In the Matter of:)	
)	
Petition of Network Communications)	WC Docket 19-232
International Corporation for Forbearance)	
Pursuant to 47 U.S.C. § 160(c) from 47 U.S.C.)	
§ 254(d) and 47 C.F.R. § 54.706(a))	

**COMMENTS IN SUPPORT OF
PETITION FOR FORBEARANCE**

The Wright Petitioners (the “Commenters”) submit these comments in support of the Petition for Forbearance filed by Network Communications International Corporation (“NCIC”) (the “Petition”).¹

Commenters have participated in past efforts at the Federal Communications Commission to promote reductions in the rates and fees that are charged to inmates and their families for telecommunications services. Commenters believe that the proposed elimination of the Universal Service Fund (“USF”) fee imposed on interstate and international Inmate Calling Service (“ICS”) calls will lead to an immediate and beneficial reduction in the cost for inmates to remain in contact with their loved ones. Because ICS providers are only permitted by the FCC to pass through mandatory governmental fees, the elimination of the requirement that ICS providers collect and contribute USF fees will eliminate the USF line item on ICS customers’ bills.

As pointed out in the Petition, the policy requiring ICS customers to contribute to USF is fundamentally flawed because a large majority of persons with an incarcerated family member are otherwise eligible to receive government assistance, including the Lifeline program. A recent study by the bipartisan criminal and immigration justice group FWD.us found that “[p]eople earning less than \$25,000 per year are 61 percent more likely than people earning more than \$100,000 to have had a family member incarcerated and three times more likely to have had a

¹ The Wright Petitioners — Ulandis Forte (grandson of the late Martha Wright), Ethel Peoples, Laurie Lamancusa, Dedra Emmons, Charles Wade, Earl Peoples, Darrell Nelson, and Jackie Lucas — brought suit in the United District Court for the District of Columbia against Corrections Corporation of America in 2000, seeking to set aside exclusive telephone contracts among the private prisons and certain telephone companies. Since 2001, these parties have advocated at the FCC for just and reasonable telecommunications services rates for prisoners and their families via The D.C. Prisoners’ Legal Services Project, Inc. at the Washington Lawyers’ Committee for Civil Rights and Urban Affairs.

family member incarcerated for one year or longer.”² Indeed, pursuant to the Lifeline program income eligibility criteria,³ households of two (2) or more people earning less than \$30,819 annually qualify for the program. Thus, it is likely that a majority of people communicating with incarcerated loved ones via ICS are also recipients of Lifeline assistance.

It is also well established that families of incarcerated people experience particularly extreme financial hardships while their loved ones are incarcerated. Research has shown that “nearly two in three families (65 percent) were unable to meet basic needs such as food, housing, and medical care while their family member was incarcerated... [and] family income declines 22 percent while a father is incarcerated.”⁴ These same people expend what little money they have leftover each month to pay often exorbitant ICS rates to stay in touch with their loved ones.

Commenters believe that it is fundamentally unfair and a violation of the FCC’s Universal Service directives to require ICS customers to contribute to the Universal Service Fund, when a significant portion of these very same ICS customers actually receive assistance from the programs supported and maintained through the Universal Service Fund.

Moreover, the Petition demonstrates that the contribution of ICS fees is a very small percentage of the overall Universal Service Fund budget, but can dramatically increase the cost of ICS calls for inmates and their families. For families experiencing poverty and the additional financial hardships brought by having a loved one incarcerated, even small reductions in monthly costs represented by elimination of USF charges for ICS would result in not insignificant savings. Reducing this burden on ICS customers is therefore in the public interest.

In light of these factors, along with the information provided in the Petition, the Commenters support NCIC’s petition and urge the FCC to grant forbearance as proposed therein.

² FWD.us, *Every Second: The Impact of the Incarceration Crisis on America’s Families* (December 2018) (“*Every Second*”), at 30, available at <https://everysecond.fwd.us/downloads/EverySecond.fwd.us.pdf>.

³ Universal Service Administrative Co., Lifeline, Do I Qualify?: Federal Poverty Guidelines, at <https://www.lifelinesupport.org/ls/do-i-qualify/federal-poverty-guidelines.aspx> (demonstrating that, in all states, families of 2 or more persons with incomes of less than 135% of \$22,829 meet the income criteria to qualify for Lifeline assistance).

⁴ *Every Second*, at 36 (citing Saneta deVuono-Powell, Chris Schweidler, Alicia Walters, and Azadeh Zohrabi. *Who Pays? The True Cost of Incarceration on Families*. Oakland, CA: Ella Baker Center, Forward Together, Research Action Design (2015)).

Respectfully Submitted,

By: /s/ Davina Sashkin

Davina Sashkin, Esq.

Seth Williams, Esq.

FLETCHER, HEALD & HILDRETH, PLC

1300 N. 17th Street, 11th Floor

Arlington, VA, 22209

Tel: (703) 812-0400

Email: sashkin@fhhlaw.com

williams@fhhlaw.com

Counsel to The Wright Petitioners